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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,686	04/14/2004	Elliot D. Lewis	14917.0553USU1	5352
27488 7590 01/08/2008 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER KANE, CORDELIA P	
			ART UNIT 2132	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/823,686	<b>Applicant(s)</b> LEWIS ET AL.	
	<b>Examiner</b> Cordelia Kane	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-18, 23-26, 28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-18, 23-26, 28 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: <u>12/12/07</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/11/07</u> | 6) <input type="checkbox"/> Other: _____   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed November 13, 2007 have been fully considered but they are not persuasive. The arguments with regards to Herrmann not disclosing all the limitations of the amended claims is persuasive. However the applicants assertion that He does not make up for these deficiencies is not persuasive. He teaches providing the user with a ticket to facilitate future access requests (column 2, lines 35-36). Therefor Herrmann further in view of He teaches the limitations of the independent claims.
2. All objections have been withdrawn.

### ***Information Disclosure Statement***

3. It is noted that an Information Disclosure Statement was filed December 11, 2007. However not all documents were ready for review at the time of this office action. The Information disclosure statement will be included with the next action.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

6. Determining the scope and contents of the prior art.
7. Ascertaining the differences between the prior art and the claims at issue.
8. Resolving the level of ordinary skill in the pertinent art.
9. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1 – 3, 7, 10 – 14, 18, 23, 24, 28 and 29 are rejected under 35

U.S.C. 103(a) as being unpatentable over Herrmann, and further in view of He.

11. Referring to claim 1, Herrmann teaches:

- a. A client seeking access to a network (page 7, paragraph 63).
- b. A policy server that performs checks to confirm the client meets with applicable rules (page 8, paragraph 69).
- c. An Integrity Gateway (IGW) server that allows access to those with the appropriate configuration and denies access to those without it (page 8, paragraph 67).

12. Herrmann does not explicitly disclose providing proof to the client if the manifests were passed. However, He discloses providing a general ticket to the user for verifying user credentials and then using that ticket to access resources (column 2, lines 35-46).

Herrmann and He are analogous art because they are from the same field of endeavor, security management. At the time of the invention, it would have been obvious to one of

ordinary skill in the art, having the teachings of Herrmann and He before him or her, to modify the manifests of checks of Herrmann to include providing a ticket of He. The suggestion/motivation for doing so would have been to facilitate future requests without re-verifying user credentials (column 2, lines 35-41).

13. Referring to claim 2, Herrmann teaches checking for installed virus software (page 8, paragraph 68).

14. Referring to claim 3, Herrmann teaches that delegates on the client computer perform the security checks (page 11-12, paragraph 94).

15. Referring to claim 7, Herrmann teaches that the client is directed to the second server after the checks are failed (page 12, paragraph 96).

16. Referring to claim 10, Herrmann teaches that after an inventory of software (security policy check), that the server redirects the client to a website to download the appropriate fix (page 10, paragraph 79).

17. Referring to claim 11, Herrmann teaches that the policy server acts as a mediator between the client and the second server (figure 4) and acts as a firewall for the IGW (page 8, paragraph 69).

18. Referring to claim 12, Herrmann teaches that the first and second server can be part of the same computing device (page 8, paragraph 69).

19. Referring to claim 13, Herrmann teaches:

- d. Receiving a manifest of checks from the policy server that determine a configuration (page 11, paragraph 94).

- e. Performing the checks and forwarding the results to the policy server (pages 11-12, paragraph 94).
  - f. The client connects to the NAS to request access (page 7, paragraph 63) which forwards the request to the IGW server (page 8, paragraph 66).
  - g. The client's proof of configuration is forwarded through the first server to the second server (page 12, paragraph 95).
20. Herrmann does not explicitly disclose receiving proof at the client of the required configuration and passing the proof onto the second server. However, He discloses providing a general ticket to the user for verifying user credentials and then using that ticket to access resources (column 2, lines 35-46). Herrmann and He are analogous art because they are from the same field of endeavor, security management. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Herrmann and He before him or her, to modify the manifests of checks of Herrmann to include providing a ticket of He. The suggestion/motivation for doing so would have been to facilitate future requests without re-verifying user credentials (column 2, lines 35-41).
21. Referring to claim 14, Herrmann teaches:
- h. Receiving a request for software inventory from the first server (page 8, paragraph 68).
  - i. Receiving the software necessary and installing it (page 10, paragraph 79).

22. Referring to claim 18, Herrmann teaches that the first and second server can be part of the same computing device (page 8, paragraph 69).

23. Referring to claim 23, Herrmann teaches:

j. Receiving request to access a network resource at the first server (page 7, paragraph 63).

k. Receiving at the first server proof of a required configuration (page 12, paragraph 95).

l. If the proof is valid, access is permitted, if invalid then access is denied (page 12, paragraph 97).

24. Herrmann does not explicitly disclose validating the proof by comparing the proof with information from the trusted server. However, He discloses providing a ticket that is validated that it is the correct ticket by comparing the checksums (column 18, lines 13-47). Herrmann and He are analogous art because they are from the same field of endeavor, security management. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Herrmann and He before him or her, to modify the manifests of checks of Herrmann to include providing a ticket of He. The suggestion/motivation for doing so would have been to facilitate future requests without re-verifying user credentials (column 2, lines 35-41).

25. Referring to claim 24, if the proof is invalid the client is directed to download the appropriate fix to the problem (page 12, paragraph 97).

26. Referring to claim 28, Herrmann teaches:

- m. Receiving a manifest of checks from a first server, wherein the checks determine whether the client possesses a required configuration of installed software (page 8, paragraph 69).
  - n. Performing the checks in the manifest of checks and sending the results of the checks to the first server (pages 11-112, paragraph 94).
27. Herrmann does not explicitly disclose receiving proof at the client, requesting access at a second server, providing proof to that second server and periodically updating that proof regardless of further requests for access to the network resources. However, He discloses:
- o. Receiving proof at the client (column 2, lines 35-36).
  - p. Requesting access to a network resource and providing proof of the required configuration to the second server (column 2, lines 36-38).
  - q. Periodically updating the ticket regardless of further requests for access (column 18, lines 12-14). The ticket is provided to the user every time he validates to the authentication server whether or not he is requesting access to the network element.
28. Herrmann and He are analogous art because they are from the same field of endeavor, security management. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Herrmann and He before him or her, to modify the manifests of checks of Herrmann to include providing a ticket and using it to access the resources of He. The suggestion/motivation for doing so



would have been to facilitate future requests without re-verifying user credentials (column 2, lines 35-41).

29. Referring to claim 29, Herrmann teaches:

r. Receiving a manifest of checks from a first server, wherein the checks determine whether the client possesses a required configuration of installed software (page 8, paragraph 69).

s. Performing the checks in the manifest of checks and sending the results of the checks to the first server (pages 11-112, paragraph 94).

30. Herrmann does not explicitly disclose receiving proof at the client, requesting access at a second server, validating the proof, updating the proof, and then providing proof to that second server. However, He discloses:

t. Receiving and storing proof at the client (column 2, lines 35-36).

u. Requesting access to a network resource at a second server (column 2, lines 36-38).

v. Validating the proof (column 18, lines 42-46).

w. If the proof is no longer valid, updating the proof (column 18, lines 42-46, column 2, lines 9-23). If the ticket is not correct then the user returns to the authentication server to get an updated correct ticket.

x. Providing proof to the second server (column 2, lines 36-38).

31. Herrmann and He are analogous art because they are from the same field of endeavor, security management. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Herrmann and He

before him or her, to modify the manifests of checks of Herrmann to include providing a ticket and using the ticket to access the resources of He. The suggestion/motivation for doing so would have been to facilitate future requests without re-verifying user credentials (column 2, lines 35-41).

32. Claims 4, 5, 8, 9, 15 – 17, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrmann in view of He and further in view of Yoko Saito et al's US Patent 6,275,941. Referring to claims 4, 5, 15, 16, and 25 Herrmann in view of He discloses all the limitations of the parent claims and the passing of the response back to the server (Herrmann, page 12, paragraph 94). Herrmann in view of He does not appear to explicitly disclose issuing a certificate and storing it in a database.

However, Saito discloses:

- y. Issuing a certificate to the client (column 5, lines 21-22),
- z. Passing the certificate to the server for authentication (column 7, lines 21-23),
- aa. Comparing the certificate to the original (column 7, lines 33-35). While it does not explicitly disclose that the certificate is stored, it is inherent from the ability to compare it to the original.

33. Steps n and p above teach claim 4. Steps o and p above teach claim 5. Step n above teaches claim 15. Step o above teaches claim 16. Step n teaches claim 25.

34. Herrmann in view of He and Saito are analogous art because they are from the same field of endeavor, security management. At the time of the invention, it would

have been obvious to one of ordinary skill in the art, having the teachings of Herrmann in view of He and Saito before him or her, to modify Herrmann in view of He to include certificates and storage of Saito. The motivation for doing so would have been that you can use single sign on (column 1, lines 50-51).

35. Referring to claims 8, 9, 17, and 26 Herrmann in view of He discloses all the limitations of the parent claim as well as storing a unique identifier for the user (He, column 16, lines 28-29). Herrmann in view of He does not appear to explicitly disclose issuing a certificate, and storing it in a database and using a unique identifier to identify the storage. However, Saito teaches:

- bb. Issuing a certificate to the client (column 5, lines 21-22),
- cc. Passing the certificate to the server for authentication (column 7, lines 21-23),
- dd. Comparing the certificate to the original (column 7, lines 33-35). While it does not explicitly disclose that the certificate is stored, it is inherent from the ability to compare it to the original.
- ee. Storing the certificate in a second database as well (column 8, lines 53-54).

36. Steps q, and t teach claim 8. Steps q, s, and t teach claim 9. Step s is executed using the unique identifier of He teaches claims 17 and 26.

37. Herrmann in view of He and Saito are analogous art because they are from the same field of endeavor, security management. At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Herrmann

in view of He and Saito before him or her, to modify Herrmann in view of He to include certificates and storage of Saito. The motivation for doing so would have been that you can use single sign on (column 1, lines 50-51).

### ***Conclusion***

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cordelia Kane whose telephone number is 571-272-7771. The examiner can normally be reached on Monday - Thursday 8:00 - 5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK

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